

THE HONORABLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES B. EDWARDSON,
Plaintiff,

v.

CALIBER HOME LOANS, NATHAN F.
SMITH, MITZI JOHANKNECKT, HUGO
ESPORZA,
Defendants.

No.

NOTICE OF REMOVAL

TO: The Clerk, United States District Court
for the Western District of Washington at Seattle

I. REMOVAL OF STATE COURT ACTION

Defendant Caliber Home Loans, Inc. ("Caliber") is a party in the above-entitled civil action commenced on May 15, 2019, and still pending in the Superior Court of the State of Washington for King County, as Cause No. 19-2-13119-5 KNT. Through this Notice, Caliber prays that this action be removed to this Court from the Superior Court of the State of Washington for King County. All properly served defendants join in this prayer for removal. *See Destfino v. Reiswig*, 630 F.3d 952, 956 (9th Cir. 2011) (only defendants "properly ... served in the action" must join in prayer for removal).

/././

1 **II. BASIS FOR JURISDICTION IN FEDERAL COURT**

2 **A. Federal Question Jurisdiction**

3 a. Plaintiff's Complaint alleges that Defendant Caliber is involved in fraudulent
4 lending practices, in violation of §17152-23 Home for Home Owners Program, 305 (a)(2) of the
5 Federal Mortgage Corporation Act 12 U.S.C. § 1454; 12 U.S.C. § 1709(b) and 12 U.S.C. § 2605.

6 b. This Court therefore has original jurisdiction over the subject matter of this action
7 under 28 U.S.C. § 1331 as plaintiff's claims arise under the Constitution, laws or treaties of the
8 United States.

9 **B. Propriety of Removal**

10 This action is removable to this Court under 28 U.S.C. § 1441 because this Court would
11 have had original jurisdiction over plaintiff's claims had plaintiff elected to file the action initially
12 in federal court. This Court is the United States District Court for the district and division
13 embracing the place where the state court action is pending, and is therefore the appropriate court
14 for removal pursuant to 28 U.S.C. § 1441(a).

15 **C. Receipt of Initial Pleading and Timeliness of Removal**

16 Defendant Caliber has not been served with plaintiff's Summons and Complaint but
17 received a courtesy copy on May 29, 2019. This notice is filed within thirty (30) days of such
18 receipt as required by 28 U.S.C. § 1446(b)(1), (2)(B).

19 **D. The State-Court Complaint and other Pleadings**

20 Attached to this Notice is a true copy of the Complaint which plaintiff filed in the action
21 pending in state court. All other process, pleadings or orders served on defendant or filed in the
22 state court in this action will be filed, together with the verification of defendant's counsel, within
23 14 days of the filing of this Notice, as required by Local Rules W.D. Wash. LCR 101(b).

24 /./

25 /./

26 /./

1
2 DATED: June 6, 2019
3

By: s/ Thomas N. Abbott, WSBA # 53024
Attorneys for Defendant
CALIBER HOME LOANS, INC.

4 **Perkins Coie LLP**
5 505 Howard Street, Suite 1000
6 San Francisco, CA 94105-3204
7 Telephone: 415.344.7000
8 Facsimile: 415.344.7050
9 Email: TAbbott@perkinscoie.com
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

And I hereby do certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

Non ECF Service List

In Pro Se Plaintiff
James B. Edwardson
P.O. Box 2049
Airway Heights, WA 99001


Matthew Walkup